

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Perri Fagin	Team: Squad #5	CCRB Case #: 201700423	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 12/11/2016 7:13 AM	Location of Incident: Inside of § 87(2)(b) [REDACTED]	Precinct: 24	18 Mo. SOL 6/11/2018	EO SOL 6/11/2018	
Date/Time CV Reported	CV Reported At: Other	How CV Reported: Mail	Date/Time Received at CCRB Tue, 01/17/2017 11:05 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Lauren Navarro	08920	960999	024 PCT
2. POM Eugene Choi	03654	941552	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Lauren Navarro	Abuse: Police Officer Lauren Navarro did not provide her name and/or shield number to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Eugene Choi	Abuse: Police Officer Eugene Choi did not provide her name and/or shield number to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On December 11, 2016, Mary § 87(2)(b) mailed her complaint to Governor Andrew Cuomo's Office, who forwarded it to the New York City Police Commissioner's Office. It was then forwarded to IAB, generating log # 17-1321. This complaint was received at the CCRB on January 17, 2017.

On December 11, 2016, at approximately 7:13 a.m., PO Lauren Navarro and PO Eugene Choi, both of the 24th Precinct, responded to a noise complaint at § 87(2)(b)'s apartment, located at § 87(2)(b), in Manhattan. The officers knocked loudly on § 87(2)(b)'s door, waking her up. § 87(2)(b)'s husband, § 87(2)(b) § 87(2)(b) was also home, but remained in bed while § 87(2)(b) answered the door. § 87(2)(b) opened the door slightly, leaving the chain door lock fastened, as she was not sure if they were real police officers. § 87(2)(b) was very upset and complained that her neighbor in § 87(2)(b) frequently reports false noise complaints. § 87(2)(b) requested PO Navarro's name multiple times, which she was eventually able to read off her nameplate (**Allegation A**). § 87(2)(b) also asked PO Choi for his name, but he ignored her request (**Allegation B**).

No video footage was available of this incident. The incident did not result in any summonses or arrests.

Mediation, Civil and Criminal Histories

- § 87(2)(b) initially accepted mediation, however rejected it upon learning that she would need to appear at the CCRB to participate. § 87(2)(b) refused to come to the CCRB § 87(2)(b), and therefore this complaint could not be mediated.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- A FOIL request was sent to the New York City Comptroller's Office on February 8, 2017, regarding a potential Notice of Claim filed in relation to this incident. This request is still pending (Board Review 02).

Civilian and Officer CCRB Histories

- This is the fourth CCRB complaint filed by § 87(2)(b) § 87(2)(g)
[REDACTED]
[REDACTED]
- PO Navarro has been a member-of-the-service for 1 year and this is the first CCRB complaint against her.
- PO Choi has been a member-of-the-service for 10 years and has four prior CCRB complaints filed against him involving four total allegations, none of which were substantiated. CCRB case 201107796 included a refusal to provide shield number allegation against PO Choi, however the Board found it to be an unsubstantiated claim.

Findings and Recommendations

Allegation A-Abuse of Authority: Police Officer Lauren Navarro did not provide her name and/or shield number to § 87(2)(b)

It is undisputed that PO Navarro and PO Choi visited § 87(2)(b)'s residence in response to a noise complaint.

§ 87(2)(b) testified that when the officers arrived, she opened the door very slightly, leaving the chain of the door fastened. § 87(2)(b) asked if the woman who lives below her called the police, and PO Navarro told her that someone called in a noise complaint on her apartment. § 87(2)(b) explained to the officers that her neighbor has something against her and her husband, and often calls the police on them. § 87(2)(b) asked, “Can I have your names?” two to three times, however, neither PO Navarro nor PO Choi responded to these requests, and they both allegedly just stared at her. § 87(2)(b) was, however, able to read PO Navarro’s name off of her nameplate.

PO Navarro (Board Review 05) testified that she and PO Choi went to § 87(2)(b)'s apartment and knocked on the door. § 87(2)(b) opened the door slightly and PO Navarro told her that they were responding to a noise complaint and they wanted to resolve it. § 87(2)(b) kept the chain fastened on the door. PO Navarro could not estimate the width of the opening in the door, just that it was "only cracked." PO Navarro could not see § 87(2)(b)'s whole body through the door opening. § 87(2)(b) was upset that the officers woke her up and stated, "Navarro, I'm going to call the Precinct because you woke me up." PO Navarro stated that § 87(2)(b) never specifically requested her name, but PO Navarro assumed that § 87(2)(b) read her name from her nameplate on her shield which was displayed. PO Choi also confirmed that § 87(2)(b) was upset and he heard § 87(2)(b) say, "Navarro, I'm going to make a complaint against you," and then she asked for PO Choi's name.

§ 87(2)(g)

Allegation B –Abuse of Authority: Police Officer Eugene Choi did not provide her name and/or shield number to § 87(2)(b)

PO Choi (Board Review 06) testified that he and PO Navarro went to § 87(2)(b)'s apartment and knocked on the door. § 87(2)(b) opened the door slightly, leaving the chain lock fastened. PO Choi was standing behind PO Navarro, and mostly out of § 87(2)(b)'s line of vision. The

officers spoke with § 87(2)(b) through the approximately one-inch wide opening in her door. PO Choi could not see § 87(2)(b) PO Choi was within an arm's length of the door, to the side. PO Navarro was standing directly in front of the door. § 87(2)(b) was upset and stated, "Navarro, I'm going to make a complaint against you," and then asked for PO Choi's name. PO Choi took a step closer to the door to show § 87(2)(b) his shield. PO Choi testified that he did not point to or motion towards his shield, he just stood directly in front of the door opening with his shield displayed on his uniform. § 87(2)(b) said, "I'm going to make the complaint," which led PO Choi to believe that § 87(2)(b) saw his information on his shield.

An officer must courteously and clearly state his or her rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so. Allow the person ample time to note this information. NYPD Patrol Guide, Section 203-09 (Board Review 07).

§ 87(2)(g)

[REDACTED]

Squad: 5

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

